

**BEFORE THE  
POSTAL REVIEW COMMISSION  
WASHINGTON D. C. 20268-0001**

In the Matter of

Stamford, CT Post Office

Stamford, CT 06904

Kaysah H. Abrha

Petitioner

Docket No. A2014-1

**REPLY BRIEF OF THE PETITIONER**

This Appeal involves the violation by the USPS of its own rules for closure or discontinuance of post offices. The USPS closed the Stamford, Connecticut post office in a hurried fashion on September, 2013 on two days' notice posted on the outside doors of the post office building.

The USPS in its Brief on this matter misstates what the Petitioner's initial brief states by indicating that the Petitioner adopted the position of the Public Advocate. What the Petitioner's initial Brief did say is that it adopted the factual discussion of the Public Advocate, but made additional arguments that the Public Advocate had not made in her Brief in Opposition to the USPS's Motion to Dismiss.

The USPS's position of what it has done with the Stamford, Connecticut is as shiftless as specs of sand in a sand storm or quicksand. First the USPS held hearings on August, 2010 that the facility would be relocated, then they put it up for sale. When they signed a sale contract with the Cappelli entity in December, 2012, the USPS had up to 20 months to find a new location for the estimated 3,500 square feet it would need for a new facility in the downtown Stamford area. Instead it did nothing to find a new facility. It also had no plans to lease back space in the existing building until a day or two before the proposed closing date for the Cappelli transaction that was proposed to close on September 25, 2013. It therefore by definition did not relocate, it closed the facility and there was not a new facility. The USPS admitted that in the notice it posted to its customers of the closing:

**“At this time we have not yet found a permanent new location.** But we will continue to explore all of our alternatives to find a new permanent location to provide you with full postal services within the immediate future” (emphasis added)

Participant Brief in Opposition to Motion to Dismiss, Exhibit A.

The post office argues that this statement says it was vacating the building, but not closing it. Let's look at the facts of the closure to determine what it was that the USPS did on September 20, 2013:

- The building was locked up, there was no alternative full service post office to replace it in downtown Stamford, CT.
- The USPS did not follow its own Handbook rules for a suspension of service. See, Response Brief of the Public Advocate in Opposition to USPS's Motion to Dismiss ("Public Advocate Response Brief") page 4. (requirement that USPS notify the customers by individual letter of the proposed suspension, including effective date for the suspension and the reason for it). In this case all notifications of an emergency suspension were after the facility was closed and the USPS had been sued in federal court over its handling of the sale process in a discriminatory manner in violation of law and its violation of the closure rules and statute. The customers had no notice to comment on the action taken until after the act was committed. **In other words the USPS is admitting that it did not follow its own regulations at the date of closing by revising the notice after closing to call it an emergency suspension because it really was a de facto closing of the facility without proper notice. See, 39 U. S. C. Section 404(d)(20)(B) and 39 C.F.R. Section 241.3(a)(5)(ii)(C) (OSHA violations cannot be considered in a closure decision). The**

**USPS's revised notice is still defective because its actions do not fit into the definition of an emergency suspension.**

- Let's quote the suspension rule so the USPS is not able to dance around the language with a vague argument about its effect, as it has tried to do in its briefing of this Appeal. USPS does not meet the definition of an emergency suspension. 39 C.F. R. Section

241.3(a)(5)(i)(B):

“Emergency suspension of the USPS-operated retail facility due to cancellation of a lease or rental agreement when no suitable alternative quarters are available in the community, a fire or natural disaster, irreparable damage when no suitable alternative quarters are available in the community, challenge to the sanctity of the mail, or similar reasons.”

- The three categories for an emergency suspension are (1) natural disasters, such as fire, flood, tornado that causes irreparable damages; (2) causes beyond the control of the USPS such as loss of a lease from a third party landlord; or (3) loss of security over the mail.

**Emergency suspension does not include such poor maintenance of the interior of the building by the USPS as to make the facility**

**unfit for human habitation at some point, although this is disputed by the Petitioner as well. This facility has been in its current shape for several years without any action by the USPS to declare an emergency suspension. In other words, the emergency suspension definition in the regulations does not include actions or inactions within the control of the USPS. As stated by the Public Advocate, the USPS had many months to find new space from the signing of the Cappelli sales contract in December, 2013 to a later date, the Public Representative says is September, 2013, the date of the stopped Cappelli sale, but that is incorrect. The Cappelli purchase agreement could have closed as late as two years from signing or December, 2014, although the USPS could force a closing at September 2014. This means that the USPS had**

- **up to two years in certain cases to find new space in the downtown Stamford area. Yet it did nothing to find new space in downtown Stamford. It should not benefit from its own inactions or be rewarded for this type of poor customer service to postal customers by the Commission determining that these actions were not a discontinuance of the Stamford Post Office.**
- An emergency manufactured reason to sell the building in a hurry because of a known threat of a lawsuit from an interest group challenging its actions with respect to California historic post office closings, and a bidder passed over who was and is willing to pay a higher price for the Stamford, Connecticut post office building was the real reason for moving the defense of this case into the realm of a manufactured “emergency suspension” by the lawyers for the USPS now running this matter after the USPS was sued in federal court and this appeal was filed.
- The representation by the USPS that it has not conducted any discontinuance study is also evidence that it has closed the Stamford post office in violation of the discontinuance rules on closing post offices. I have already argued in our initial brief that this Commission

has already admonished the USPS that it cannot treat stations or  
branches differently as closures under the statutes at issue in this case.

Respectfully submitted,

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